



## **Declaration of Interest Policy**

**Approval date: 4<sup>th</sup> December 2017**

**Review date: Autumn 2020**

### **1. Introduction**

Trustees have a duty under both Charity law and Company law to avoid conflicts of interest. This policy applies to Members, Trustees, Local Governors and all members of staff with financial and/or procurement responsibilities.

The purposes of this policy are to:

- ensure that Members and Trustees comply with their legal duties;
- protect the integrity of the Trust's decision-making process;
- and to enable outside parties dealing with the Trust to have confidence in the Trust's integrity.

Members and Trustees have a legal obligation to act in the best interests of the Trust and in accordance with the Trust's Articles of Association and to avoid situations where there is an actual conflict of interest, a potential conflict of interests or a potential perceived conflict of interest.

### **2. Conflict of Interest**

A conflict of interest is any situation in which the personal interests of Members, Trustees, Local Governors or senior staff, or those of a person connected to them ('connected persons'), or interests that they owe to another organisation, may (or may appear to) influence or affect that individual's decision making.

Connected persons can include individuals who are family members and other bodies in which the Trustees or their family members have certain interests. Examples are given in Appendix 1.

All Members, Trustees, Local Governors and the Executive Team will agree to adhere to the guidance set out in the Academies Financial Handbook and ensure they understand and comply with all statutory duties as company directors to avoid conflicts of interest, not to accept benefits from third parties, and to declare interest in proposed transactions or arrangements.

### **3. Declaration of interest**

- All Members, Trustees, Local Governors and senior employees with financial and/or procurement responsibilities will complete a Declaration of Interest form (Appendix 2) in accordance with sections 3.1.16 to 3.1.19 of the Academies Financial Handbook.

- Declaration of Interest forms will be completed annually and also when changes occur. It is the responsibility of Members, Trustees, Local Governors and senior employees to complete a new Declaration of Interest form as soon as any new interest or potential interest arises.
- Declared interests will be published on the Trust's website.

#### **4. Managing Conflicts of Interest**

Individuals presented with a conflict of interest will be removed from the decision making process by:

- Every agenda for Board, Committee and Local Governors meetings including a standing item for declaration of interests or potential conflict of interest.
- 'Conflicted individuals' absenting themselves from any discussion relating to the matter, unless expressly invited to remain in order to provide information only.
- 'Conflicted individuals' not taking part in any vote on the matter.
- 'Conflicted individuals' not being counted in the quorum in relation to that decision.
- All decisions made following the declaration of conflict of interest will be entered in the meeting's minutes, recording the nature of the conflict, an outline of the discussion and the actions taken to manage the conflict.

Competitive procurement procedures will be followed in line with The De Curci Trust's Procurement Policy.

- Transactions involving a declaration of interest are permitted under Company law, Charity law and the Academies Financial Handbook provided open and transparent procurement procedures have been followed and any potential conflicts of interest are managed appropriately.
- Where a Member, Trustee, or senior member of staff benefits from a decision it will be recorded in the annual report and accounts in accordance with relevant accounting requirements.

#### **5. Failure to Disclose an Interest**

Article 97 of The De Curci Trust Articles of Association imposes on Trustees an obligation to disclose any actual or potential conflicts of interest and withdraw from discussions of the Board and its committees where it is possible that a conflict of interests may arise. Failure to disclose an interest, or potential interest, will be considered by the Board and may lead to disciplinary action.

#### **6. Data Protection**

The information provided in disclosures will be processed in line with The De Curci Trust's Data Protection Policy.

#### **7. Code of Conduct for Staff**

Note that the Code of Conduct for all staff states: *'You must declare to the Headteacher any financial, personal or social interests that could conflict with the school's interests or cause your conduct to be questioned. The interest may be advantageous or have a detrimental effect on you (an example of a detrimental interest may be a situation where you experience threats or pressure from family or friends to act in a particular way in your official capacity).'*

*Employees should not have managerial responsibility for those with whom they have close private relationships (e.g. partners and family). If such relationship arises during the course of your employment, it must be declared to your Headteacher.'*

This policy should be read in conjunction with:

- The Academies Financial Handbook
- The De Curci Trust Articles of Association
- Companies Act 2006, Charities Act 2011, and CC29: Conflicts of interest: a guide for charity trustees
- The Trust's Code of Conduct for Staff

The De Curci Trust, a charitable company limited by guarantee registered in England and Wales with company number 10646541. Registered office address: Springfield School Central Road, Drayton, Portsmouth, Hampshire, United Kingdom, PO6 1QY.

## Declaration of Interest Policy

### Appendix 1

#### Definition of a 'connected person'

##### Companies Act 2006

- A person is connected with a director if they are a member of the director's family (that is, the director's spouse, civil partner, any person with whom the director lives as a partner in an enduring family relationship, a child or stepchild of the director, a child or stepchild of a director's partner (if living with the director and under the age of 18), or the director's parents).
- A company is connected with a director if the director (and persons connected with him) is interested in 20% or more of the equity share capital of the company, or can exercise more than 20% of the voting power at a general meeting of the company.

##### The Charity Act 2011

- A Trustee of or for the charity, a donor of any land to the charity and close relatives of such Trustees or donors
- Employees, officers, or agents of the charity
- The spouses and civil partners of all such persons above
- Institutions controlled by any of the persons above or companies in which such persons have a substantial interest

##### The Academies Financial Handbook 2017

- any member or trustee of the academy trust
- any individual or organisation connected to a member or trustee of the academy trust. For these purposes the following persons are connected to a member, or trustee:
- a relative of the member or trustee. A relative is defined as: a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner
- an individual or organisation carrying on business in partnership with the member, trustee or a relative of the member or trustee
- a company in which a member or the relative of a member (taken separately or together), and/or a trustee or the relative of a trustee (taken separately or together), holds more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company
- an organisation which is controlled by a member or the relative of a member (acting

separately or together), and/or a trustee or the relative of a trustee (acting separately or together). For these purposes an organisation is controlled by an individual or organisation if that individual or organisation is able to secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes

Further information is listed on The De Curci Trust Declaration of Interest form (Appendix 2) and in the Trust's Articles of Association.

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